

REMARKS

Applicants respectfully request reconsideration of the application.

In the Office Action dated June 19, 2003, claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,141,753 to Zhao et al. ("Zhao").

Based on the Office's interpretation of the claims, at least claims 1-10 and 14-20 have priority to at least as early as May 16, 1996, the filing date of priority application 08/649,419 (Now U.S. Patent No. 5,862,260).

The above amendment amends the priority claim to include the following priority claims: Application No. 09/165,142 is a continuation in part of application 09/746,613, filed November 12, 1996 (Now U.S. Patent No. 6,122,403). This application is also a continuation in part of 09/186,962, filed November 5, 1998, which is a continuation of application 08/649,419, filed May 16, 1996 (now Patent 5,862,260), which is a continuation-in-part of PCT/US96/06618, filed May 7, 1996 (published as WO96/36163) and application 08/508,083, filed July 27, 1995 (now patent 5,841,978).

U.S. Patent No. 5,862,260 (the '260 patent) is incorporated by reference at page 29, line 11 of the application as filed. This patent includes a section entitled, "Network Linking Method Using Information Embedded in Data Objects that Have Inherent Noise" and related sections at col. 62, line 15, to col. 65, line 67, describing how a watermark embedded in a data object can be used to look up and display information about the data object. These sections have a priority of at least July 27, 1995, the filing date of priority application 08/508,083 (now patent 5,841,978).

In addition, the '260 patent has a section stating:

In certain applications it is desirable to apply a visible indicia to an image to indicate that it includes steganographically encoded data. In one embodiment, this indicia can be a lightly visible logo (sometimes termed a "watermark") applied to one corner of the image. This indicates that the image is a "smart" image, conveying data in addition to the imagery. A lightbulb is one suitable logo.

If marking of images becomes widespread (e.g. by software compatible with Adobe's image processing software), a user of such software can decode the embedded data from an image and consult a public registry to identify the proprietor of the image. In some embodiments, the registry can serve as the conduit through which appropriate royalty payments are forwarded to the proprietor for the user's use of an image. (In an illustrative embodiment, the

registry is a server on the Internet, accessible via the World Wide Web, coupled to a database. The database includes detailed information on catalogued images (e.g. name, address, phone number of proprietor, and a schedule of charges for different types of uses to which the image may be put), indexed by identification codes with which the images themselves are encoded. A person who decodes an image queries the registry with the codes thereby gleaned to obtain the desired data and, if appropriate, to forward electronic payment of a copyright royalty to the image's proprietor.) See col. 90, line 55, to col. 91, line 12 of the '260 patent.

This particular passage has priority to at least as early as May 7, 1996, the filing date of priority application PCT/US96/06618, filed May 7, 1996 (published as WO96/36163).

Based on the Office's mapping of the teachings of Zhao to the claims, the teachings of these priority documents should also support at least claims 1-10 and 14-20. Therefore, Zhao is not prior art to at least these claims.

With respect to claim 11 and dependent claims 12-13, Zhao fails to teach a listener program for inserting a handler into the HTML document when an object identifier is extracted from the media object as claimed. Moreover, Zhao does not teach the handler as claimed. Therefore, Zhao does not anticipate these claims.

Concluding Remarks

Zhao fails to anticipate the claims because it is either not prior art in view of the new priority claim or it fails to disclose or teach all of the elements of the claims.

Date: October 20, 2003

CUSTOMER NUMBER 23735

Phone: 503-885-9699
FAX 503-885-9880

Respectfully submitted,

DIGIMARC CORPORATION

By



Joel R. Meyer
Registration No. 37,677